

AMENDED IN ASSEMBLY APRIL 15, 2013

AMENDED IN ASSEMBLY MARCH 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 228

Introduced by Assembly Member Logue

February 4, 2013

An act to add Sections 62.1 and 96.1 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 228, as amended, Logue. Labor Commissioner: employee claims.

Existing law provides for the Director of the Department of Industrial Relations within the Labor and Workforce Development Agency to oversee and assist the divisions under its jurisdiction with the enforcement of provisions of law related to private employment, including claims for wage and hour violations and occupational safety violations.

Under existing law, the Labor Commissioner or his or her representatives are authorized to take assignments of certain claims for enforcement, including claims for an employee's loss of wages due to demotion, suspension, or discharge by the employer for lawful conduct occurring during nonworking hours away from the employer's premises.

This bill would authorize both the director and the commissioner, or their deputies, to waive any penalties against an employer if the employer resolves the claim within 30 days of receiving a notice, as specified, from the commissioner. *The bill would not apply to violations of minimum wage requirements.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 62.1 is added to the Labor Code, to read:

2 62.1. (a) The Director of the Department of Industrial Relations
3 or his or her deputy, in the enforcement of provisions of law under
4 the department's jurisdiction, may waive the penalties against an
5 employer as provided by state law for a qualified claim, verified
6 by the director or his or her deputy, if both of the following
7 conditions are met:

8 (1) The director, or his or her deputy, determines that the claim
9 is the first of its type against the employer.

10 (2) The claim is resolved within 30 days of the issuance to the
11 employer by the director, or his or her deputy, of a notice stating
12 that the claim has been verified and that applicable penalties under
13 state law will be waived if the claim is resolved within that 30-day
14 period.

15 (b) For purposes of this section, the director, or his or her deputy,
16 shall verify with the claimant whether the claim has been resolved.

17 (c) *This section shall not apply to a violation of minimum wage*
18 *requirements.*

19 SEC. 2. Section 96.1 is added to the Labor Code, to read:

20 96.1. (a) The Labor Commissioner, or his or her deputy, may
21 waive the penalties against an employer as provided by state law
22 for a qualified claim, verified by the commissioner or his or her
23 deputy, if both of the following conditions are met:

24 (1) The commissioner, or his or her deputy, determines that the
25 claim is the first of its type against the employer.

26 (2) The claim is resolved within 30 days of the issuance to the
27 employer by the commissioner, or his or her deputy, of a notice
28 stating that the claim has been verified and that applicable penalties
29 under state law will be waived if the claim is resolved within that
30 30-day period. For purposes of this paragraph, the commissioner,
31 or his or her deputy, shall verify with the claimant whether the
32 claim has been resolved.

33 (b) For purposes of this section, a "qualified claim" is a claim
34 made under Section 96.

1 (c) *This section shall not apply to a violation of minimum wage*
2 *requirements.*

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